

# **Georgia Department of Natural Resources**

**Environmental Protection Division • Air Protection Branch**

**4244 International Parkway • Suite 120 • Atlanta • Georgia 30354**

**404/363-7000 • Fax: 404/363-7100**

**Chris Clark, Commissioner**

**F. Allen Barnes, Director**

**AUG 2 - 2010**

Mr. A. Stanley Meiburg  
Acting Regional Administrator  
U.S. EPA, Region IV  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-3104

Re: State Notification Under the Greenhouse Gas Tailoring Rule

Dear Mr. Meiburg:

The U.S. Environmental Protection Agency (EPA) promulgated final action on *Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule* (referred to as "tailoring rule") on June 3, 2010 [75 FR 31514-31608].

The tailoring rule included in 40 CFR 52.21, for the first time, a definition for "subject to regulation." The definition for "subject to regulation" is included as 40 CFR 52.21(b)(49). The Georgia Environmental Protection Division (EPD) implements a SIP-approved PSD program and this letter addresses a request for information found in the preamble to the tailoring rule on page 31582 of Volume 75 of the Federal Register. The request is shown in the following paragraph.

*"For this purpose, we ask each state to submit a letter to the appropriate EPA Regional Administrator no later than August 2, 2010. In that letter, the state should explain whether it will apply EPA's meaning of the term "subject to regulation" and if so, whether the state intends to incorporate that meaning of the term through interpretation, and without undertaking a regulatory or legislative process. If a state must undertake a regulatory or legislative process, then the letter should provide an estimate of the time needed to adopt the final rules."*

Georgia EPD intends to adopt EPA's definition of the term "subject to regulation" through rulemaking by incorporating by reference the federal definition as found at 40 CFR 52.21(b)(49) in Georgia Rule 391-3-1-.02(7). Georgia EPD anticipates completing this rulemaking by January 1, 2011.

The tailoring rule included in 40 CFR 70, for the first time, a definition for "subject to regulation." The tailoring rule also amended the existing definition of "major source." This letter addresses a request for information found in the preamble to the tailoring rule on page 31584 of Volume 75 of the Federal Register. The request is shown in the following paragraph.

*"In addition to the information requested previously on SIP-approved PSD permit programs, we ask each state to submit a letter to the appropriate EPA Regional Administrator no later than August 2, 2010 detailing the state's plan for permitting of GHG sources under the state's part 70 program. In that letter, states should explain whether they will adopt an interpretation of the terms "major source" or any of its component terms—"a major stationary source," "any air pollutant," or "subject to regulation," or the numerical thresholds—that is consistent with EPA's regulatory interpretation of these terms as codified at 40 CFR 70.2, and whether the state intends to adopt the interpretation without undertaking a regulatory or legislative process... If a state must revise its title V regulations or statutes to implement the interpretation, we ask that it provides an estimate of the time to adopt final rules or statutes in its letter to the Regional Administrator."*

Georgia EPD intends to adopt EPA's definition of the terms "major source" and "subject to regulation" through rulemaking by incorporating by reference the federal definition as found at 40 CFR 70.2 in Georgia Rule 391-3-1-.03(10). Georgia EPD anticipates completing this rulemaking by January 1, 2011.

If you have any questions or need more information, please contact Jimmy Johnston at (404) 363-7014 or via email at jimmy.johnston@dnr.state.ga.us.

Sincerely,



F. Allen Barnes  
Director

FAB:JAC:JJ

c: Jimmy Johnston